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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,301	04/02/2001	Christopher A. Bode	2000.057800	9382

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WILLIAMS, MORGAN & AMERSON, P.C.  
10333 RICHMOND, SUITE 1100  
HOUSTON, TX 77042

EXAMINER
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SHECHTMAN, SEAN P

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 07/22/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/824,301

Applicant(s)

BODE ET AL.

Examiner

Sean P. Shechtman

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 May 1404.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2125

### **DETAILED ACTION**

1. In view of the Appeal Brief filed on May 14<sup>th</sup> 2004, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-45 rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claims 1-45 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the reply filed May 14<sup>th</sup> 2004, page 4, last 4 lines. In that paper, applicant has stated a process controller can predict an approximate processing parameters to initialize its control model “following an in situ cleaning of the chamber”, and this statement indicates that the invention is different from what is defined in the claim(s) because the claimed invention is directed to

Art Unit: 2125

initializing the control model before a condition results (See page 8, 3<sup>rd</sup> paragraph of the reply filed May 14<sup>th</sup> 2004).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4, 6, 11-13, 17, 22-24, 28, 30, 31, 34, 41, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,169,931 to Runnels.

Referring to claims 1 and 28, Runnels teaches a method for initializing process controllers based on tool event data, comprising:

providing a tool having a process controller adapted to employ a control model to control an operating recipe of the tool (Abstract; Col. 1, lines 13-19; Col. 7, lines 3-8; Col. 9, lines 24-29); a tool adapted to process wafers in accordance with the operating recipe (Abstract); receiving a tool event notification and initializing the control model in response to receiving the tool event notification (Fig. 9, element 902; Col. 14, lines 10-34).

Runnels clearly teaches a computer implemented system that employs a control model to determine the optimal operating recipe of the tool (Abstract). The tool is a CMP tool for polishing wafers in accordance with the operating recipe (Abstract). Runnels clearly teaches resetting the control model in response to receiving a notification of an event of the tool, wherein Runnels teaches resetting the number of wafers polished in the control model to zero (Fig. 9,

Art Unit: 2125

element 902) in response to receiving a notification of the event that the solution for the optimal tool recipe does not converge (Col. 14, lines 10-34). Examiner respectfully asserts that the resetting of the number of wafers polished in the control model is initializing the control mode. Examiner respectfully asserts that the event that the solution for the optimal tool recipe does not converge is a tool event notification, and further, this event occurs prior to actual implementation of recipe.

Referring to claims 2 and 31, Runnels teaches the system above, wherein initializing the control model comprises: estimating a control variable value (Fig. 9, element 907, “form a new guess for the optimal recipe”); and initializing the control model based on the estimated control variable (Fig. 9, element 902 is based on element 907; Col. 14, lines 10-34).

Referring to claims 4 and 34, Runnels teaches the system above, wherein the tool is a CMP tool adapted to planarize a semiconductor wafer (Abstract), and estimating the control variable includes estimating a material removal rate (Col. 2, lines 45-51; Col. 7, lines 3-25).

Referring to claims 6 and 17, Runnels teaches the system above further comprising: performing a qualification procedure on the tool in response to receiving the tool event notification to determine a control variable (Fig. 9); and initializing the control model based on the control variable (Fig. 9, element 902 is based on element 908).

Referring to claims 11, 22, and 30, Runnels teaches the system above, wherein receiving the tool event notification comprises receiving a notification of a tool calibration (Col. 7, lines 5-12).

Referring to claims 12, 23, and 41, Runnels teaches the system above, wherein the tool is a CMP tool adapted to planarize a semiconductor wafer (Abstract), and receiving the tool event

Art Unit: 2125

notification comprises receiving a notification of when the polishing pad is replaced (Col. 7, lines 13-25).

Referring to claims 13, 24, and 42, Runnels teaches the system above, wherein the tool is a CMP tool adapted to planarize a semiconductor wafer (Abstract), and receiving the tool event notification comprises receiving a notification of when the polishing pad is conditioned (Col. 7, lines 13-25).

4. Claims 1, 2, 4, 6, 7, 11, 13, 17, 18, 22, 24, 28, 29, 30, 31, 34, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2001/0039462 to Mendez.

Referring to claims 1 and 28, Mendez teaches a method for initializing process controllers based on tool event data, comprising:

providing a tool having a process controller adapted to employ a control model to control an operating recipe of the tool (Page 2, paragraphs 13-20); a tool adapted to process wafers in accordance with the operating recipe (Page 1, paragraph 3; page 2, paragraph 19); receiving a tool event notification and initializing the control model in response to receiving the tool event notification (See page 4, paragraphs 51-52 and then paragraph 50).

Mendez clearly teaches a CMP tool in a process control frame work to process wafers according to a control model that models the operating recipe of the tool (Page 2, paragraphs 13-20). Mendez clearly teaches event data that is CMP tool data is recorded in a database and this inputting of CMP event data triggers the updates in a component that adjusts another trigger component that updates parameters that clearly input as parameters to a logic component and used in a mathematical algorithm to calculate process parameters that modify a set of baseline

Art Unit: 2125

recipes (See page 4, paragraphs 51-52 and then paragraph 50). Examiner respectfully asserts that the triggering of parameters input to a mathematical algorithm to modify a recipe is initializing the control model in response to receiving the tool event notification.

Referring to claims 2 and 31, Mendez teaches the system above, wherein initializing the control model comprises: estimating a control variable value (Fig. 2, element 51, PSM parameters are predictive software model parameters); and initializing the control model based on the estimated control variable (Fig. 2, element 51; Page 4, paragraph 50).

Referring to claims 4 and 34, Mendez teaches the system above, wherein the tool is a CMP tool adapted to planarize a semiconductor wafer, and estimating the control variable includes estimating a material removal rate (Page 5, paragraph 58).

Referring to claims 6 and 17, Mendez teaches the system above further comprising: performing a qualification procedure on the tool in response to receiving the tool event notification to determine a control variable (Page 5, paragraph 58); and initializing the control model based on the control variable (Fig. 2, element 51; Page 4, paragraph 50).

Referring to claims 11, 22, and 30, Mendez teaches the system above, wherein receiving the tool event notification comprises receiving a notification of a tool calibration (Col. 5, paragraph 57).

Referring to claims 13, 24, and 42, Mendez teaches the system above, wherein the tool is a CMP tool adapted to planarize a semiconductor wafer, and receiving the tool event notification comprises receiving a notification of when the polishing pad is conditioned (Page 5, paragraph 57).

Referring to claims 7 and 18, Mendez teaches the system above, wherein the tool is a CMP tool adapted to planarize a semiconductor wafer, and performing the qualification procedure comprises processing a test wafer in the CMP tool to determine a blanket wafer removal rate (Fig. 4-5; Page 5, paragraph 58 – Page 6, paragraph 64).

Referring to claim 29, Mendez teaches the system above, further comprising a process control server adapted to send the tool event notification to the process controller (Fig. 21, ethernet).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2001/0039462 to Mendez as applied to claim 29 above, and further in view of U.S. Pub. No. 2002/0147960 to Jevtic.

Referring to claim 35 and 36, Mendez teaches the system above further comprising: performing a qualification procedure on the tool in response to receiving the tool event notification to determine a control variable (Page 5, paragraph 58); and initializing the control model based on the control variable (Fig. 2, element 51; Page 4, paragraph 50).

Referring to claim 37, Mendez teaches the system above, wherein the tool is a CMP tool adapted to planarize a semiconductor wafer, and performing the qualification procedure comprises processing a test wafer in the CMP tool to determine a blanket wafer removal rate (Fig. 4-5; Page 5, paragraph 58 – Page 6, paragraph 64).

Mendez fails to teach scheduling a qualification procedure on the tool.



Art Unit: 2125

However, Jevtic teaches analogous art, including scheduling for the periodic removal of wafers for testing (Page 1, paragraph 0005 of Jevtic).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the system of Mendez to include the scheduling of Jevtic.

One of ordinary skill in the art would have been motivated to combine these references because Jevtic teaches computing an optimal schedule for moving wafers into defect control stations (Page 1, paragraph 0011 of Jevtic).

6. Claims 3, 5, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2001/0039462 to Mendez as applied to claims 1 and 31 above, and further in view of U.S. Pat. No. 5,659,467 to Vickers.

Mendez teaches all the limitations of the claims above and further, Mendez generally teaches a system and method for predicting software models using material-centric process instrumentation where a material is being processed (Page 1, paragraph 2).

Referring to claims 3, 5, 32, and 33, Mendez fails to teach the system above, wherein the tool is an etch tool or a deposition tool adapted to etch features or form a layer on a wafer and the control variable of the estimation is an etching rate or deposition rate.

However, referring to claims 3, 5, 32, and 33, Vickers teaches analogous art, wherein a tool is an etch tool or a deposition tool adapted to etch features or form a layer on a wafer and a estimating a control variable comprising estimating an etching rate or deposition rate (Col. 5, lines 32-44).

Art Unit: 2125

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the teachings of Mendez with the teachings of Vickers.

One of ordinary skill in the art would have been motivated to combine these references because Vickers teaches a system that provides the ability to perform opportunistic maintenance of the equipment by identifying coefficients that are reaching limits, coefficients that are changing rapidly, and coefficients that are changing in parallel for supervised equipment such as deposition and etch equipment (Col. 5, lines 32-44; Col. 9, lines 50-56).

7. Claims 14, 15, 25, 26, 43, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2001/0039462 to Mendez as applied to claims 1, 17, and 28 above, and further in view of U.S. Pat. No. 6,110,214 to Klimasauskas.

Mendez teaches all the limitations of the claims above and further, Mendez generally teaches a system and method for predicting software models using material-centric process instrumentation where a material is being processed (Page 1, paragraph 2).

Referring to claims 14, 15, 25, 26, 43, and 44, Mendez fails to teach the system above, wherein the tool is an etch tool or a deposition tool having a chamber and the tool event notification comprises a notification that the chamber has been cleaned.

However, referring to claims 14, 15, 25, 26, 43, and 44, Klimasauskas teaches analogous art, wherein the tool is an etch tool or a deposition tool having a chamber and the tool event notification comprises a notification that the chamber has been cleaned (Col. 4, lines 40-61; Col. 10, lines 4-6; Col. 1, lines 55-57).

Art Unit: 2125

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the teachings of Mendez with the teachings of Klimasauskas.

One of ordinary skill in the art would have been motivated to combine these references because Klimasauskas teaches a system for modeling and optimizing the maintenance of semiconductor processing equipment (Col. 1, lines 12-15). Furthermore, Klimasauskas teaches the system determines the type of maintenance to be executed and the extent to which maintenance can be postponed by changing process variables. Further still, Klimasauskas teaches the system determines potential modifications to process variables to improve the current performance of the processing equipment (Col. 3, lines 34-51).

***Allowable Subject Matter***

8. Claims 8-10, 16, 19-21, 27, 38-40, and 45 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1-45 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office action was mailed. Should applicant desire a copy of such a provisional application, applicant should promptly request the copy from the Office of

Art Unit: 2125

Public Records (OPR) in accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a substantial delay by the Office in fulfilling the order for the copy of the provisional application. Where the applicant has been notified on the PTO-892 that a copy of the provisional application is not readily available, the provision of MPEP § 707.05(a) that a copy of the cited reference will be automatically furnished without charge will not apply.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean P. Shechtman whose telephone number is (703) 305-7798. The examiner can normally be reached on 9:30am-6:00pm, M-F.

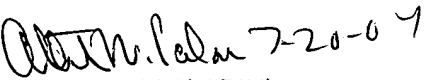
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPS

Sean P. Shechtman

July 13, 2004

  
**ALBERT W. PALADINI**  
**PRIMARY EXAMINER**